APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,930	02/16/2005	Michael Thieme	3352/FARC	1877

26304   7590   04/14/2009
KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER
DEGA, MURALI K

ART UNIT	PAPER NUMBER
3621	

MAIL DATE	DELIVERY MODE
04/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 January 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-28</u> is/are pending in the application.

    4a) Of the above claim(s) <u>None</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-28</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Acknowledgements

1.   This Office Action is in response to Applicant's amendment and arguments filed

on January 21, 2009.

2.   Claims 1-28 are pending and have been examined.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   **Claims 1, 2, 6, 7, 12-16, 18, 19, 21, 25-27 rejected under 35 U.S.C. 102(e) as**

being anticipated by Scheidt et al. (US 6,845,453) hereinafter referred to as

Scheidt.

5.   With respect to claim 1:

6.   Scheidt discloses a method for processing biometric information, comprising the

steps of:

- Capturing a biometric sample from a sensor *(Figs. 3, 4 and 5, col. 2, ll. 23-42, requires....users to submit....such as fingerprint scan, col. 2, ll. 23-42, biometric data.... Repeatedly and reliably captured)*.

- Transmitting the biometric sample from the sensor to a processing component *(Figs. 3, 4 and 5, where capturing and transmitting biometric data for matching purposes is depicted)*.

- Processing the biometric sample by a first vendor's algorithm to yield a first reference template *(Figs 3, 4 and 5, col. 2, ll. 23-42, unique characteristics....of biometric instance are extracted to form a biometric template)*.

- Storing the first reference template with an associated record identifier in a storage component *(Figs. 3, 4 and 5, col. 2, ll. 23-42, biometric template, which is stored as an enrollment template)*.

- Processing the biometric sample by a second vendor's algorithm to yield a second reference template *(Figs. 3, 4 and 5, col. 2, ll. 23-42, a subsequent biometric instance....to form a new template)*.

- Storing the second reference template in a storage component *(Figs. 3, 4 and 5, col. 2 ll. 23-42, biometric template, which is stored as an enrollment template)*.

- Associating the second reference template with the record identifier *(Col. 7, ll. 10-23, where usage of user data to derive a unique identification is described)*.

7.   With respect to claim 2:

8.   Scheidt discloses the method, further comprising the steps of:

- Processing the biometric sample by an additional vendor's algorithm to yield an additional reference template *(Col. 7, ll. 48-77, where a process of creating additional templates from different biometric instances and a process of comparing different template values is described).*

- Associating additional reference templates with the record identifier *(Col. 7, ll. 10-23, where usage of user data to derive a unique identification is described).*

- Storing the additional reference templates in storage units *(Figs. 3, 4 and 5, col. 2 ll. 23-42, biometric template, which is stored as an enrollment template).*

9.   With respect to claim 6:

10.   Scheidt discloses the algorithms are selected from the group of the following technologies: minutiae matching, pattern matching, vector line analysis, Eigenface and neural network processing *(Col. 2, ll. 43-57, where commercial solutions that use different methodologies to improve reliability of biometric authentication process is described).*

11.   With respect to claim 7:

12.   Scheidt discloses the template creation process is preceded by an image pre-processing step wherein the image is modified according to information in a vendor

profile associated with the algorithm *(Col. 2, II. 43-57, where use of commercial solutions with different methodologies are described).*

13.   With respect to claim 12:

14.   Scheidt discloses wherein the information in the vendor profile is selected from the group of following: image dimension, resolution, scale, speed, time, frequency, and orientation *(Col. 12, II. 25-33, For example, the present invention....biometric inputs on which to generate templates).*

15.   With respect to claim 13:

16.   Scheidt discloses wherein a fingerprint sample is captured on a livescan input device with at least 400 dots per square inch resolution *(Figs. 3, 4 and 5 indicate use of finger print reader).*

17.   With respect to claim 14:

18.   Scheidt discloses the templates are enrollment templates *(Col. 2, II. 28-42, where the initial biometric template being stored as enrollment template and subsequent biometric new template being used as verification template is described).*

19.   With respect to claim 15:

20.   Scheidt discloses wherein the templates are match templates *(Col. 2, II. 28-42, where the initial biometric template being stored as enrollment template and subsequent biometric new template being used as verification template is described).*

21.   With respect to claim 16:

22.   Scheidt discloses further the step of performing a template comparison against a plurality of enrollment templates *(Col. 2, ll. 28-42, comparing the stored enrollment templates with verification templates for user identification is disclosed)*.

23.   With respect to claim 18:

24.   Scheidt discloses further the step of using a weighting algorithm to evaluate the results of the different template matches *(Col. 2, ll. 43-57, where use of commercial solutions with different methodologies to aid in matching process are described)*.

25.   With respect to claim 19:

26.   Scheidt discloses further the step of generating one final result as to whether there is a match between the person represented by the given identifier and the verification template based upon the plurality of template matches *(Col. 10, ll. 28-42, where evaluation of templates for matching purposes is described)*.

27.   With respect to claim 21:

28.   Scheidt discloses wherein the matches are performed locally in proximity to the sensor *(Figs. 3, 4 and 5 where user identification being performed using finger print data in proximity to reader)*.

29.   With respect to claim 26:

30.   Scheidt discloses a method for processing biometric information, comprising the steps of:

- Retrieving a biometric sample from a storage component *(Figs. 3, 4 and 5 where recovery of enrollment template is depicted)*.

- Transmitting the biometric sample from the storage component to a
  processing component *(Figs. 3, 4 and 5 where recovery and transmission
  for the comparison purposes is depicted)*.

- Processing the biometric sample by a first vendor's algorithm to yield a
  first template *(Figs 3, 4 and 5, col. 2, II. 23-42, unique characteristics….of
  biometric instance are extracted to form a biometric template)*.

- Storing the first reference template with an associated record identifier in a
  storage component *(Figs. 3, 4 and 5, col. 2, II. 23-42, biometric template,
  which is stored as an enrollment template)*.

- Processing the biometric sample by a second vendor's algorithm to yield
  another reference template *(Figs. 3, 4 and 5, col. 2, II. 23-42, a
  subsequent biometric instance….to form a new template)*.

- Storing the second reference template in a storage component *(Figs. 3, 4
  and 5, col. 2 II. 23-42, biometric template, which is stored as an enrollment
  template)*.

- Associating the second reference template with the record identifier *(Col.
  7, II. 10-23, where usage of user data to derive a unique identification is
  described)*.

31. With respect to claim 27:

32. Scheidt discloses the method, further comprising the steps of:

- Processing the biometric sample by an additional algorithm to yield an
  additional template *(Col. 7, II. 48-77, where a process of creating*

> *additional templates from different biometric instances and a process of*
>
> *comparing different template values is described).*

- Associating additional templates with the record identifier *(Col. 7, ll. 10-23,*

  where usage of user data to derive a unique identification is described).

- Storing additional templates in storage units *(Figs. 3, 4 and 5, col. 2 ll. 23-*

  42, biometric template, which is stored as an enrollment template).

Claim Rejections - 35 USC § 103

33.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

34.   Claims 3-5, 17, 20, 22-24 and 28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Scheidt (US 6,845,453) as applied to claims 1, 2, 6, 7, 12-16, 18,

19, 21, 25-27 and further in view of Buffum et al. (US 20030037004) herein after

referred to as Buffum.

35.   With respect to claim 3:

36.   Scheidt discloses all of the above limitations but does not explicitly disclose

- Receiving request from a requesting authority to perform matching of

  templates or transmitting the template, if it is available, to the requesting

  authority

37.   However, Buffum discloses

- receiving a request for a template from a requesting authority, wherein the request identifies the type of template needed to perform the match and a given record identifier determining from a plurality of storage units if the requested type of template is available for the given record identifier *(Abstract and fig. 1, where authentication server receiving a request from a third party requester to authenticate previously enrolled user using voice print is disclosed and comparing with a stored voice print is described)* and transmitting the template, if it is available, to the requesting authority *(Abstract and fig. 1, where the authentication results being reported to the user and the requesting authority is described).*

- Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to conduct biometric data authentication over a LAN or WAN or on web, in accordance with teachings of Buffum, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

38.   With respect to claim 4:

39.   Scheidt discloses The method further comprising the steps of:

- Scheidt discloses the above limitations but does not explicitly disclose receiving request from a requesting authority to perform matching of templates. However, Buffum discloses receiving a request for a biometric

verification from a requesting authority along with a match template, wherein the request identifies a given record identifier *(Abstract and fig. 1, where authentication server receiving a request from a third party requester to authenticate previously enrolled user using voice print is disclosed)*. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to conduct biometric data authentication over a LAN or WAN or on web, in accordance with teachings of Buffum, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

- Scheidt does not explicitly disclose locating stored enrollment template. However, Buffum discloses locating from a plurality of storage units an enrollment template associated with the record identifier that is compatible with the match template *(Abstract and fig. 1, where authentication server receiving a request from a third party requester to authenticate previously enrolled user using voice print and comparing with a stored voice print is described)*. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to conduct biometric data authentication in accordance with teachings of Buffum, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily

by any person of ordinary skill in the art, with neither undue
experimentation nor risk of unexpected results.

- Scheidt discloses performing a template comparison between the match
  template and the enrollment template *(Col. 2, ll. 23-42 where the process
  of comparing the enrollment template and verification template is
  described).*

40.   With respect to claim 5:

41.   Scheidt discloses the above claim limitations but does not explicitly disclose
returning the results of the match to the requesting authority. However, Buffum teaches
the step of returning the result of the template match to the requesting authority
*(Abstract and fig. 1, where the authentication results being reported to the user and the
requesting authority is described).* Therefore, it would have been obvious to one of
ordinary skill in the art, at the time of invention to have modified the system of Scheidt
so as to transmit the matching results over a LAN or WAN or on web, to fulfill a request
from a third party such as a requesting authority, since so doing could be performed
readily and easily by any person of ordinary skill in the art, with neither undue
experimentation nor risk of unexpected results.

42.   With respect to claim 17:

43.   Scheidt discloses the method further comprising the steps of:

- Scheidt discloses the above limitations but does not explicitly disclose
  receiving request from a requesting authority. However Buffum teaches
  receiving a request for a match from a requesting authority wherein the

request identifies a given record identifier *(Abstract and fig. 1, where authentication server receiving a request from a third party requester to authenticate previously enrolled user using voice print is disclosed)*. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to conduct biometric data authentication, in accordance with teachings of Buffum, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

- Scheidt does not explicitly disclose locating stored enrollment template. However, Buffum discloses locating from a plurality of storage units an enrollment template associated with the record identifier *(Abstract and fig. 1, where authentication server receiving a request from a third party requester to authenticate previously enrolled user using voice print and comparing with a stored voice print is described)*. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to conduct biometric data authentication in accordance with teachings of Buffum, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

- Scheidt discloses performing a template comparison between the match template and the enrollment template *(Col. 2, II. 23-42 where the process of comparing the enrollment template and verification template is described).*

- Scheidt does not explicitly disclose locating stored enrollment template. However, Buffum discloses locating from a plurality of storage units a second enrollment template associated with the record identifier *(Abstract and fig. 1, where authentication server receiving a request from a third party requester to authenticate previously enrolled user using voice print and comparing with a stored voice print is described).* Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to conduct biometric data authentication in accordance with teachings of Buffum, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

- Scheidt discloses performing a template comparison between the match template and the second enrollment template *(Col. 2, II. 23-42 where the process of comparing the enrollment template and verification template is described).*

44.   With respect to claim 20:

45.   Scheidt discloses all of the above limitations but does not explicitly disclose the use of a centralized server. However, Buffum discloses the matches being performed on a centralized server *(Fig. 1 and abstract where usage of voice print authentication server is described).* Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to use a centralized server in accordance with teachings of Buffum, to fulfill an authentication request from a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

46.   With respect to claim 22:

47.   Scheidt discloses a method for processing biometric information, comprising the steps of:

- Capturing a biometric sample from a sensor *(Figs. 3, 4 and 5, col. 2, ll. 23-42, requires….users to submit….such as fingerprint scan, col. 2, ll. 23-42, biometric data…. Repeatedly and reliably captured).*

- Transmitting the biometric sample from the sensor to a storage component *(Figs. 3, 4 and 5, where capturing and transmitting biometric data for matching purposes is depicted).*

- Processing the biometric sample by the given vendor's algorithm to yield a template in the form as requested by the requesting authority *(Figs 3, 4 and 5, col. 2, ll. 23-42, unique characteristics….of biometric instance are extracted to form a biometric template).*

- Scheidt does not explicitly disclose receiving a request for a given
  vendor's template from a requesting authority, wherein the request
  identifies the type of template needed to perform verification and a given
  record identifier. However, Buffum teaches *(Abstract and fig. 1)* where
  authentication server receiving a request from a third party requester to
  authenticate previously enrolled user using voice print is disclosed and
  comparing with a stored voice print is described. Therefore, it would have
  been obvious to one of ordinary skill in the art, at the time of invention to
  have modified the system of Scheidt so as to conduct biometric data
  authentication over a LAN or WAN or on web, in accordance with
  teachings of Buffum, to fulfill a request from a third party such as a
  requesting authority, since so doing could be performed readily and easily
  by any person of ordinary skill in the art, with neither undue
  experimentation nor risk of unexpected results.

48.   With respect to claim 23:

49.   Scheidt discloses all of the above limitations but does not explicitly disclose
returning the results to the requesting authority. However, Buffum teaches the step of
returning the result of the template match to the requesting authority *(Abstract and fig.
1, where the authentication results being reported to the user and the requesting
authority is described).* Therefore, it would have been obvious to one of ordinary skill in
the art, at the time of invention to have modified the system of Scheidt so as to transmit
the matching results over a LAN or WAN or on web, to fulfill a request from a third party

such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

50.   With respect to claim 24:

51.   Scheidt discloses all of the above limitations but does not explicitly disclose returning the template to the requesting authority. However, Buffum teaches the step of returning the template to the requesting authority *(Abstract and fig. 1, where the authentication results being reported to the user and the requesting authority is described)*. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to transmit the matching results over a LAN or WAN or on web, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

52.   With respect to claim 25:

53.   Scheidt discloses comprising the step of performing a template comparison between the verification template and the enrollment template *(Figs. 3, 4 and 5, col. 2 ll. 23-42, where comparing the two templates to determine user identification)*.

54.   With respect to claim 28:

55.   Scheidt discloses a method for processing biometric information, comprising the steps of:

- Processing the biometric sample by a first vendor's algorithm to yield a first verification template for a given user *(Figs 3, 4 and 5, col. 2, ll. 23-42, unique characteristics….of biometric instance are extracted to form a biometric template).*

- Processing the biometric sample by a second vendor's algorithm to yield a second verification template for the same user *(Figs. 3, 4 and 5, col. 2, ll. 23-42, a subsequent biometric instance….to form a new template).*

- Upon successful match, storing the first vendor's verification template as an enrollment template associated the user *(Figs. 3, 4 and 5, col. 2, ll. 23-42, biometric template, which is stored as an enrollment template).*

- Scheidt does not explicitly disclose performing a match between the second vendor's verification template and a previously stored compatible enrollment template associated with the user. However, Buffum teaches *(Col. 2, ll. 23-42)* the process of comparing the enrollment template and verification template is described. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to transmit the matching results over a LAN or WAN or on web, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

56.   Claims 8-11 are rejected under 35 U.S.C. 103(a) as unpatentable over Scheidt as applied to claims 1 and 7, and further in view of Kawan et al. (US 7,039,812) herein after referred to as Kawan.

57.   With respect to claim 8:

58.   Scheidt disclose all of the above limitations but does not explicitly disclose the information in the vendor profile is selected from the group of following: image dimension, resolution, scale, speed, time, frequency, and orientation. However, Kawan teaches *(Col. 2, II. 55-67)* the requesting authority directing the manner in which the user biometric sample to be presented for authentication. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to use vendor profile in terms of image dimension, resolution, scale, speed, time, frequency, and orientation, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

59.   With respect to claim 9:

60.   Scheidt disclose all of the above limitations but does not explicitly disclose the vendor profile is created prior to the image pre-processing step based on features associated with a specific algorithm. However, Kawan teaches *(Col. 2, II. 55-67)* presenting user samples in a predetermined sequence, technical equivalent of creating a vendor profile prior to image processing. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt

so as to creation of vendor profile prior to image processing, to fulfill a request from a

third party such as a requesting authority, since so doing could be performed readily

and easily by any person of ordinary skill in the art, with neither undue experimentation

nor risk of unexpected results.

61.   With respect to claim 10:

62.   Scheidt disclose all of the above limitations but does not explicitly disclose

extracting several different sub-samples form the sample by means superimposing

geometric shapes on the original sample wherein such geometric shapes correspond

with the vendor profile; and performing matches between templates created from the

sub-samples and enrollment templates. However, Kawan teaches *(Col. 1, ll. 35-46)*

comparing, matching and making decisions based on predetermined parameters, *(Col.*

2, ll. 55-67) use of multiple biometric samples, which is functional equivalent of several

different sub-samples being used. Therefore, it would have been obvious to one of

ordinary skill in the art, at the time of invention to have modified the system of Scheidt

so as to use predetermined parameters, to fulfill a request from a third party such as a

requesting authority, since so doing could be performed readily and easily by any

person of ordinary skill in the art, with neither undue experimentation nor risk of

unexpected results.

63.   With respect to claim 11:

64.   Scheidt disclose all of the above limitations but do not explicitly disclose the

geometric shapes being rectangles. However, Kawan teaches (Col. 9, ll. 26-46)

presenting biometrics and other credentials in a suitable form. Therefore, it would have

been obvious to one of ordinary skill in the art, at the time of invention to have modified

the system of Scheidt so as to use a suitable form, to fulfill a request from a third party

such as a requesting authority, since so doing could be performed readily and easily by

any person of ordinary skill in the art, with neither undue experimentation nor risk of

unexpected results.

Response to Arguments

65.   With respect to rejection of claims 1-28, the Applicant's arguments filed January

21, 2009 have been fully considered but they are not persuasive.

66.   With respect to the Applicant's argument that Scheidt does not teach processing

the biometric sample twice, the Examiner respectfully disagrees. Scheidt discloses use

of one or more sources to form an authentication value ("generating a resultant value

from two or more source values in a consistent, repeatable manner. For example, at

least a portion of each source value, or a value derived from each source value or

referenced by each source value, can combined mechanically (such as by bitwise

manipulation) or mathematically (such as by hashing or randomization) in a consistently

repeatable manner", C 13, ll. 10-19). Further Scheidt discloses varying the level of

complexity of binding from simple to complex, through multiple encryptions and

references, which is functional equivalent of generating two reference templates using

two algorithms of different vendors, as long as it is done in a consistently repeatable

manner.

Conclusion

67.   The Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the Applicant, in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

68.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Publication No. 2001/0051924 by Uberti discloses use of biometrics in on-line financial transactions

- U.S. Patent No. 6,011,858 to Stock et al. discloses programmable memory card that holds biometric template and used in biometric verification system.

- U.S. Patent No. 7,178,025 to Scheidt et al, discloses multiple factor identification system.

69.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

70.   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

71.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Murali K. Dega whose telephone number is (571)270-

5394. The examiner can normally be reached on Monday to Thursday 7.30 to 4.00 ET.

72.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew J. Fischer can be reached on (571)272-6779. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

73.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. D./
Examiner, Art Unit 3621

/EVENS J. AUGUSTIN/

Primary Examiner, Art Unit 3621